

REMARKS

Claims 1-11 are all the claims pending in the application.

The Examiner has objected to claim 4 due to a typographical error. The Applicant has amended claim 4 as suggested by the Examiner.

The Examiner has rejected claims 1, 4-5, 7-8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Sasamoto (U.S. Patent No. 5,912,969) in view of Jones (U.S. Patent No. 5,623,637). In addition, claims 2 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasamoto in view of Jones, and further in view of Nash (U.S. Patent No. 4,555,591). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasamoto in view of Jones, and further in view of Bruce Schneier's Applied Cryptography.

Claim 6 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasamoto in view of Jones, and further in view of Ansell (U.S. Patent No. 6,367,019). As a final matter, claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasamoto in view of Jones, and further in view of Lee (U.S. Patent No. 5,790,663). Applicant traverses these rejections because the cited prior art fails to disclose or suggest all of the claim limitations and the asserted combination of Sasamoto and Jones is technically improper and would not produce Applicant's claimed invention. Further, there is no motivation or suggestion that would have led one skilled in the art to combine the prior art to arrive at the claimed invention.

Claims 1 and 11:

Independent claim 1 recites, among other things, an encryption key which is a first unique information item that specifies exclusively a predesignated information encryption device and a decoding key which is a second unique information item that corresponds to the first unique information item. Similarly, claim 11 recites, among other things, an encryption key which is a first unique information item that is not duplicated in devices other than a predesignated information processor and decoding key defined as a second unique information item that corresponds to the encryption key.

The Examiner asserts that Sasamoto supplies all the limitations of claims 1 and 11 except for the second unique information item. To supply this missing element, the Examiner asserts that Jones teaches a second information item which corresponds to a first information item and is used as a decoding key. Further, the Examiner asserts that Jones also provides the motivation to combine its second information item with the device disclosed in Sasamoto because it allows one of the keys to be made public. Applicant respectfully disagrees.

Initially, while Jones teaches a second key (private key value 430) for decrypting an encrypted file, there is absolutely no indication that there is any correspondence between the private key value 430 and public key value 435, as recited in claims 1 and 11. Further, Jones' public key value 435 (which would correspond to the recited first unique information item if the Examiner's assertion holds) does not specify exclusively a predesignated information encryption device (claim 1) or a predesignated information processor (claim 11). Accordingly, the asserted

combination fails to teach the recited first and second unique information items of claims 1 and 11.

Further, because Sasamoto's device utilizes the same single key for encryption and decryption, there is no way to incorporate Jones' second key (for decryption), private key value 430, while still retaining the functionality of Sasamoto's recording/reproducing apparatus. No matter what motivation is asserted, a public/private key system would not function in Sasamoto's apparatus because the same pseudo-random signal as generated at the time of recording is used to decrypt the coded signal. (Col. 5, lines 18-26). Simply put, there is no need or provision for a second key for decoding. As such, the asserted combination is simply inoperative and would destroy the copyright protection function of Sasamoto's apparatus.

As a final matter, the Examiner's cited motivation goes against the teaching of Sasamoto. Sasamoto specifically addresses the protection of copyrighted data. In particular, Sasamoto's apparatus limits the ability to decode a recorded/encrypted signal to only those devices that have assigned specific identification information that coincides with the same identification information used to encode the signal. (Col. 6, lines 26-41). Thus, the rationale for using a public/private two-key system goes directly against the stated single-key functionality of Sasamoto.

Jones teaches an encryption technique using two keys, a public key for encrypting information and a private key for decryption. (Col. 1, lines 41-49). This is called a public key system where anyone can use the public key to encrypt data, but only a recipient with a secret key can decrypt the data. (Col. 1, lines 43-45). However, in Sasamoto, only one entity, the

specific information storage circuit 403, supplies the encryption key (Col. 4, lines 8-11) and the decryption key (Col. 5, 15-18). Thus, the concept of a public key system simply does not work in the Sasamoto apparatus. Therefore, one of ordinary skill in the art would not be motivated to combine Sasamoto and Jones as suggested by the Examiner. As such, and for the other reasons stated above, the Examiner's § 103(a) rejection of claims 1 and 11 is improper.

Claims 2-10:

Claims 2-10 all depend from claim 1 and the Examiner's rejection of the same is based on the Examiner's asserted combination of Sasamoto and Jones, in combination with other references. Therefore, they should be allowable at least based on their dependence from claim 1 for at least the same reasons described above.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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Respectfully submitted,



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